



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David L. Brock and Woojin Lee

Serial No.: 10/008,457 Group Art Unit: 3732

Filed: November 16, 2001 Examiner: Not Provided

Confirmation No.: 5179

Title: Surgical Instrument

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

on 9/3/02

Date

Signature

Jennifer A. Tardiff

Typed or printed name of person signing certificate

REVOCATION OF POWERS OF ATTORNEY  
AND APPOINTMENT OF NEW ATTORNEYS AND/OR AGENTS

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

endoVia Medical, Inc. (formerly Brock Rogers Surgical, Inc.), a Corporation duly organized under the laws of the Delaware, is the assignee of the entire right, title and interest in the above-identified application. A Certificate of Name Change with Recordation Form Cover Sheet is being filed and a copy is attached. endoVia Medical, Inc. hereby appoints the attorneys and/or agents associated with:

**Customer No. 21005**

Hamilton, Brook, Smith & Reynolds, P.C.  
530 Virginia Road  
P.O. Box 9133  
Concord, Massachusetts 01742-9133

**RECEIVED**

SEP 10 2002

TECHNOLOGY CENTER R3700

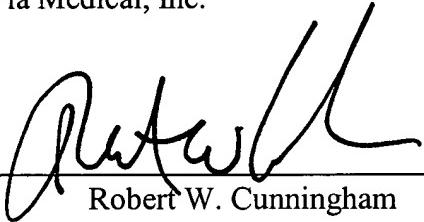
to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Customer No. 21005, Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. Please direct all telephone calls to James M. Smith at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,  
endoVia Medical, Inc.

By \_\_\_\_\_

  
Robert W. Cunningham

Title \_\_\_\_\_ President \_\_\_\_\_

Date \_\_\_\_\_ 8/30/02 \_\_\_\_\_



Docket No. 3300.1014-006

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants: David L. Brock and Woojin Lee

Application No.: 10/008,457 Filed: November 16, 2001

For: Surgical Instrument

endoVia Medical, Inc., a Corporation,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A.  the assignee of the entire right, title and interest in the patent application identified above; or
- B.  an assignee together with [ ] of the entire right, title and interest in the patent application identified above. A separate Statement under 37 CFR § 3.73(b) is being submitted.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

- B.  A chain of title from the inventors of the patent application identified above, to the current assignee as shown below:

1. From: David L. Brock and Woojin Lee To: Brock Rogers Surgical, Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel 012668, Frames 0248-0249.
2. From: Brock Rogers Surgical, Inc. To: endoVia Medical Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 8/30/02

Name: Robert W. Cunningham

Title: President

Signature: Robert W. Cunningham

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COPY

# RECORDATION FORM COVER SHEET PATENTS ONLY

To the Commissioner, United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies)

Brock Rogers Surgical, Inc.



Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment  Merger

Security Agreement  Change of Name

Other \_\_\_\_\_

Execution Date: June 21, 2002

2. Name and address of receiving party(ies)

Name: endoVia Medical Inc.

Internal Address: \_\_\_\_\_

Street Address: 150 Kerry Place

City: Norwood State: MA ZIP: 02062

Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

Please see attached list.

B. Patent No.(s)

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5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James M. Smith, Esq.

Internal Address: \_\_\_\_\_

Hamilton, Brook, Smith & Reynolds, P.C.

Street Address: 530 Virginia Road

P.O. Box 9133

City: Concord State: MA ZIP: 01742-9133

6. Total number of applications and patents involved: [23 ]

7. Total Fee (37 C.F.R. 3.41)..... \$ 920.00

Enclosed

Authorized to charge any deficiencies or credit any overpayment to deposit account

Authorized to be charged to deposit account

8. Deposit account number:

08-0380

(Attach duplicate copy of this page if paying by deposit account)

### DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

James M. Smith

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: [ 6 ]

**Recordation Form Cover Sheet – Page 2**

4A. Patent Application numbers: (con't)

09/375,666

09/746,853

09/827,503

09/783,637

09/827,643

10/014,143

10/012,845

10/008,964

10/013,046

10/011,450

10/008,457

10/008,871

10/023,024

10/011,371

10/011,449

10/010,150

10/022,038

10/012,586

60/332,287

60/344,124

10/034,871

10/077,233

10/097,923

FROM : BRS INC

FAX NO. : 781-255-5525

Aug. 16 2002 01:30PM P3

AUG 15 2002 15:09 FR PALMER & DODGE

TO 817812555525

P.02



# Delaware

The First State

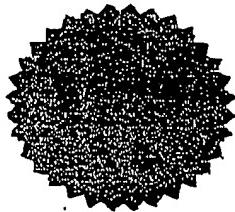
PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "ENDOVIA MEDICAL INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FIRST DAY OF JUNE, A.D. 2002.

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SEP 10 2002  
TECHNOLOGY CENTER R3700

2613174 8300

020400276



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1844188

DATE: 06-21-02

FROM : BRS INC

FAX NO. : 781-255-5525

AUG. 16 2002 01:31PM P4

AUG 15 2002 15:09 FR PALMER & DODGE

TO 917812555525

P.03



# Delaware

*The First State*

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BROCK ROGERS SURGICAL, INC.", CHANGING ITS NAME FROM "BROCK ROGERS SURGICAL, INC." TO "ENDOVIA MEDICAL INC.", FILED IN THIS OFFICE ON THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 8:45 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

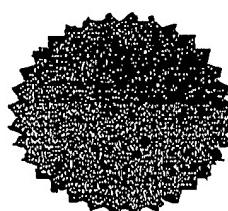
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SEP 10 2002

TECHNOLOGY CENTER R3700

*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

2613174 8100



AUTHENTICATION: 1844186

020400276

DATE: 06-21-02

FROM : BRS INC

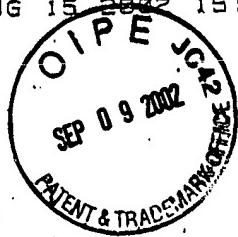
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P.04



CERTIFICATE OF AMENDMENT OF  
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF  
BROCK ROGERS SURGICAL, INC.

Pursuant to Section 242  
of the General Corporation Law of  
the State of Delaware

Brock Rogers Surgical, Inc., a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), does hereby certify as follows:

By vote of the Board of Directors of the Corporation taken on June 9, 2002, a resolution was duly adopted, pursuant to Sections 141 and 242 of the General Corporation Law of the State of Delaware (the "GCL"), setting forth an amendment to the Amended and Restated Certificate of Incorporation of the Corporation. The stockholders of the Corporation entitled to vote on the proposed amendment have duly approved said amendment by written consent in accordance with Sections 228 and 242 of the GCL. The resolution setting forth the amendment is as follows:

RESOLVED: That ARTICLE FIRST of the Amended and Restated Certificate of Incorporation of this Corporation be and it is hereby amended to change the name of the Corporation from Brock Rogers Surgical, Inc. to endoVia Medical Inc. so that said ARTICLE FIRST shall be and read as follows:

"FIRST: The name of the Corporation is endoVia Medical Inc."

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SEP 10 2002  
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STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 08:45 AM 08/21/2002  
020400276 - 2613174

FROM : BRS INC

FAX NO. : 781-255-5525

Aug. 16 2002 01:32PM PG

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IN WITNESS WHEREOF, this Certificate of Amendment has been executed by the  
undersigned, a duly authorized officer of the Corporation, as of the 21st day of June, 2002.

BROCK ROGERS SURGICAL, INC.

By: /s/ Robert W. Cunningham  
Robert W. Cunningham  
President